



2026:AHC:27710-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL U/S 413 BNSS No. - 23 of 2026

Raj Kumar

.....Appellant(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Deepak Singh, Jitendra Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 43

HON'BLE SALIL KUMAR RAI, J.

HON'BLE DR. AJAY KUMAR-II, J.

Supplementary affidavit filed by the counsel for the appellant annexing the chick First Information Report and the statements of P.W. 1, P.W. 3 and P.W. 4, is taken on record.

The present appeal under Section 413 B.N.S.S., 2023 has been filed by the father of the deceased against the judgement and order dated 17.10.2025 passed by Additional Sessions Judge/Fast Track Court, Court No. 1, Meerut in Sessions Trial No. 653 of 2017 registered under Sections 498-A, 304-B, 302/34 I.P.C. and 3/4 Dowry Prohibition Act, Police Station-Enchauli, District-Meerut acquitting the accused opposite party Nos. 2 and 3.

The facts of the case as alleged by the prosecution, in short, are that at 6:10 p.m. on 13.06.2016 a first information report registering Case Crime No. 227 of 2016 under Sections 498A, 304B I.P.C. and 3/4 Dowry Prohibition Act was registered at the instance of the appellant with the allegation that his daughter Anshul @ Payal was married to Rahul on 21.04.2014. Rahul is the son of opposite party Nos. 2 and 3. It was alleged in the first information report that Rahul and opposite party Nos. 2 and 3 as well as other relatives of Rahul subjected the deceased to cruelty and harassment for dowry. It was further alleged that between 6:00 to 7:00 p.m. on 12.06.2016 the daughter of the first informant called and told her family members that Rahul was continuously calling and threatening her, i.e., the deceased that she would be killed by his family members if she did not persuade her parents to give a Tata Safari car to her-in-laws. It was alleged that because the parents and the

deceased could not fulfill the demands of the in-laws of the deceased for dowry, therefore, the in-laws of the deceased which included Rahul and opposite party Nos. 2 and 3 killed her daughter by hanging her.

The evidence led by the prosecution in the trial court shows that the inquest was done at 6:40 p.m. in presence of the Naib Tehsildar who was acting as Executive Magistrate. The inquest report shows that the dead-body was found hanging in a room on the second floor of the house and could be retrieved by the police and the Magistrate only after the locks of the main gate of the first floor and also the door of the room on the second floor in which the body was found hanging was also broken because it was locked from inside. The inquest report also notes that the door of the main gate of the first floor was also locked from inside. At the time when the dead-body was being retrieved, the in-laws of the deceased and other villagers were present on the spot. The inquest report also notes that the deceased had earphones in both ears and a mobile clip of INTEX phone was also attached with her clothes. The first informant was also a witness to the inquest report.

The dead-body was sent for postmortem. The autopsy of the dead-body was conducted on 14.6.2020 at 10:50 p.m. and the postmortem report notes that death was because of asphyxia due to ante mortem hanging.

Subsequently, the police submitted a charge-sheet under Sections 498A/304B I.P.C. and Section 3/4 Dowry Prohibition Act against opposite party Nos. 2 and 3. The matter in usual course was committed for trial by the sessions court and consequently Sessions Trial No. 653 of 2017 was registered. The accused, i.e., the opposite party Nos. 2 and 3 were charged under Sections 498A/304B I.P.C. and Section 3/4 Dowry Prohibition Act and for the alternative charge under Section 302/34 I.P.C. The accused denied the charges and claimed trial.

During the trial the prosecution examined the first informant as P.W. 1 and one Kapil Kumar as P.W. 3. Kapil Kumar is also a witness to the recovery memo of the mobile phone found on the body of the deceased. One Satyaveer, who is also a relative of the first informant was examined as P.W. 4 by the prosecution. The Doctor who conducted the autopsy was examined as P.W. 5. The Naib Tehsildar who conducted the inquest was examined as P.W. 6 and the Investigating Officer was examined as P.W. 7. The F.I.R.

writer was examined as P.W. 2.

During the trial the accused denied the charges and pleaded that the deceased had committed suicide and they never either demanded dowry or subjected the deceased to cruelty and harassment for dowry. It was pleaded by the defence that the deceased was living separately from the opposite parties. It was also claimed by the defence that the deceased did not want to live with her-in-laws, i.e., the accused and her parents had forcibly sent her to her-in-laws home. The deceased had relations with some other person because of which she was psychologically disturbed and ultimately committed suicide.

The trial court, as noted earlier, vide its judgement and order dated 17.10.2025 acquitted the accused after noticing major inconsistencies in the testimony of prosecution witnesses.

In his evidence P.W. 1 has stated that the first information report was registered before the inquest, but P.W. 1 is also a witness to the inquest report which notes that the dead-body was retrieved after breaking the locks of the main door of the first floor which was locked from inside and also the door of the bedroom on the second floor of the house in which the dead-body was found hanging. In his evidence the witness has stated that when he reached the place he saw that the dead-body had been taken down and was laid on the floor. The witness has stated that the dead-body was retrieved before he reached the spot. Apparently, there is major discrepancy between the testimony of P.W. 1 and the notings in the inquest report to which P.W. 1 is a witness. The discrepancy has not been explained by the prosecution. Another noticeable feature of the evidence of P.W. 1 is that in his testimony the witness states that during the inquest the Inspector of Police was present and had asked the witness to get prepared a case for dowry harassment if he wanted that any first information report be registered. The aforesaid evidence of the witness raises a probability that the first information report was ante-timed and registered after due deliberations. It also comes out from the evidence as noted by the trial court that the sister of the witness was also married in the same village as his daughter and her house was adjacent to the house of the deceased. However, the sister and brother-in-law of the witness, i.e., the Bua and Phupha of the deceased, have not been examined as witness to either substantiate the claim of cruelty and harassment to the deceased by

her-in-laws, i.e., the opposite party Nos. 2 and 3 or that she was killed by hanging. It also comes out from the evidence of P.W. 1 that the opposite party Nos. 2 and 3 had two separate houses and in his testimony the D.W. No. 1 has stated that the opposite parties were living separately from the deceased.

It is further noticeable that in his evidence P.W. 1 has stated that the in-laws of the deceased were not present at the place when the witness reached the spot and the dead-body was retrieved. However, the said fact is not corroborated by the testimony of P.W. 6, i.e., the Magistrate-the Naib Tehsildar under whose supervision the inquest was done. The inquest report records that when the dead-body was being retrieved, the family members of the deceased and the villagers were present on the spot. The witness, i.e., P.W. 6 has also proved the inquest report which contains recitals as stated above. In his cross-examination also P.W. 6 stated that the in-laws of the deceased were present when the dead-body was being retrieved.

In his evidence, P.W. 5, i.e., the Doctor who conducted the autopsy on the dead-body of the deceased proved the postmortem report and also stated that it was a case of suicide as the injuries found on the dead-body are normally caused in cases of suicide. The hyoid bone of the deceased was not fractured which shows that death was not due to throttling. No other major injury was found on the dead-body. The witness has opined that death was because of asphyxia due to ante mortem hanging.

It is also noticeable that in his evidence P.W. 1 stated that he received information regarding death of his daughter by his sister while P.W. 7 who was the S.P. Intelligence and the Investigating Officer in the case has stated in his evidence that the mother of the deceased had told him that they received information of the death of her daughter from the police.

It was the case of the prosecution that the deceased was subjected to cruelty by her in-laws soon before her death. To prove the aforesaid case, the prosecution claimed that on 12.06.2020, the deceased had called her parents and told that Rahul, i.e., the husband of the deceased and the son of opposite party Nos. 2 and 3, had called the deceased and threatened her as noted in the preliminary paragraphs of the present judgement. However, no call detail records of the phone of the deceased were produced by the prosecution to

prove that Rahul had called the deceased on 12.06.2020 or on any date just before 12.06.2020. According to the postmortem report death could have occurred in the morning of 12.06.2020. In any case the aforesaid claim even if accepted only proves that Rahul, i.e., the husband of the deceased had subjected the deceased to cruelty or harassment and does not prove any case against the opposite party Nos. 2 and 3. It is also in evidence that on the fateful day Rahul, i.e., the husband of the deceased was not present on the spot and was on duty in C.R.P.F. No evidence has been produced by the prosecution to prove any demand of dowry or that the deceased was subjected to cruelty or harassment for dowry.

The aforesaid facts raise reasonable doubts regarding the prosecution story and show that the prosecution had failed to prove beyond doubt its case under Section 302/34 I.P.C. against the opposite party Nos. 2 and 3 and also its case that the deceased was subjected to cruelty or harassment for dowry soon before her death and, therefore, failed to prove its case against the opposite party Nos. 2 and 3 under Section 304B/498A I.P.C. and 3/4 Dowry Prohibition Act. After noting the shortcomings in the case of the prosecution, the trial court held that the prosecution had failed to prove beyond doubt its case against the accused.

We do not find any perversity or any other error in the judgement of the trial court so as to consider re-examination of evidence in appeal. The view taken by the trial court is a possible view.

For the aforesaid reasons, the appeal lacks merit and is ***dismissed*** summarily.

Let the file be consigned to record after certifying a copy of the present judgement to the trial court.

(Dr. Ajay Kumar-II,J.) (Salil Kumar Rai,J.)

February 9, 2026

Anurag/-